

New Superior Court Rules for Civil Case Management

The State Bar filed a rule petition in 2013 proposing significant changes to the rules for pretrial management of civil cases in the superior court. The Supreme Court established a blue-ribbon panel of judges, attorneys, and court administrators to study issues raised by the rule petition, and the panel submitted a revised set of recommended rule changes following input from a consultant with the National Center for State Courts. The Court adopted the panel's recommended changes at its August 2013 rules agenda.

The reasons for these changes include: (1) Some of the actual case management procedures do not conform to provisions of the current civil rules, so those rules provide limited practical guidance for practitioners. (2) Diverse case management practices between and within counties make litigation difficult for attorneys appearing in different venues. (3) The bench and bar both recognize inefficiencies in the way cases are set for trial.

The rule amendments adopted by the Court provide for a statewide, straightforward, and efficient civil case management process. Here are some of the notable changes in the new rules.

Joint Reports and Scheduling Orders: There are no longer Motions to Set and Certificates of Readiness. Instead, the parties will submit a joint report to the assigned judge along with a proposed scheduling order. The parties must file their joint report and proposed scheduling order within six months after the case filing date, or within sixty days after defendant has answered, whichever comes first. The scheduling order sets deadlines for further proceedings, such as disclosure and discovery, and becomes a "roadmap" for the case. The rule amendments include new forms for joint reports and proposed scheduling orders in "expedited," "standard," and "complex" cases, allowing for differentiated case management by the court.

Additional Provisions: The proposed scheduling order must provide that the parties will complete all discovery, and engage in private mediation or a settlement conference, within fifteen months after the filing of the complaint. Unless the court orders otherwise, the court will not set a trial date without the parties' certification that they engaged in a settlement conference or a private mediation, or that they will do so by a date certain. These rule amendments establish a new event, a "trial setting conference," which the court will conduct if the scheduling order does not include a trial date. The court must endeavor to conduct the trial of an expedited case within twelve months after the filing date of the complaint.

Jury Demand: Because the amendments abolish motions to set, a party must now file a demand for a jury by the earliest of the date on which the court sets a trial date, or within ten days of the date on which the parties file a joint report and proposed scheduling order. This is an earlier deadline for a jury demand than provided by the current rule.

Dismissal Calendar: The amendments replace the "inactive" calendar with a "dismissal" calendar. The court will place a case on the dismissal calendar if the parties do not file a joint report and proposed scheduling order within 270 days of the case filing date, or an arbitrator has not filed a notice of decision within that time. The court thereafter will dismiss the case without

prejudice for lack of prosecution if there is no compliance with this requirement within sixty days.

Implementation: [A Supreme Court implementation order](#) makes the new rules applicable to cases filed on and after April 15, 2014.

This Court Order makes the new rules applicable to cases filed before April 15, 2014, unless prior to that date the parties filed a proposed scheduling order, a party filed a motion to set, or the court entered a scheduling order. The Court's Order further provides:

- For those cases in which none of the foregoing events occurred before April 15, 2014, the parties must comply with the new rules by June 30, 2014, or within 270 days from the case filing date, whichever occurs later.
- For those cases where one of the foregoing events did occur before April 15, 2014, the trial court may nevertheless apply the new case management rules for further proceedings.

Additionally, the Order allows the trial court on June 14, 2014, to dismiss cases that were pending on the inactive calendar on April 15, 2014, unless the parties comply with the requirements of the new rules prior to June 14.

Training: Some judges already manage civil cases using methods provided by the new rules. By April 15, 2014, every court should have adapted its case management system and policies to adhere to the new terminology and procedures of these rule amendments. A State Bar seminar presented on January 23, 2014, focused on these and other new civil rules, and a recording of this seminar will be available on Wendell for later on-line viewing. On February 4, 2014, the AOC's Education Services Division broadcast two programs for clerks, administrators, and judges concerning the new case management rules.

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